

1 MARTIN R. GLICK (No. 40187)
 2 Email: mglick@howardrice.com
 3 BOBBIE J. WILSON (No. 148317)
 4 Email: bwilson@howardrice.com
 5 HOWARD RICE NEMEROVSKI CANADY
 6 FALK & RABKIN
 7 A Professional Corporation
 8 Three Embarcadero Center, 7th Floor
 9 San Francisco, California 94111-4024
 10 Telephone: 415/434-1600
 11 Facsimile: 415/217-5910

12 MORTON AMSTER (*pro hac vice*)
 13 ANTHONY F. LO CICERO (*pro hac vice*)
 14 KENNETH M. BERNSTEIN (*pro hac vice*)
 15 CHARLES R. MACEDO (*pro hac vice*)
 16 AMSTER, ROTHSTEIN & EBENSTEIN, LLP
 17 90 Park Avenue
 18 New York, New York 10016
 19 Telephone: 212/336-8000
 20 Facsimile: 212/336-8001

21 Attorneys for Defendants and Counter-Plaintiffs
 22 VICTOR COMPANY OF JAPAN, LTD. and JVC
 23 COMPONENTS (THAILAND) CO., LTD., and Defendants
 24 AGILIS INC. and AGILIS TECHNOLOGY INC.

HOWARD
RICE
NEMEROVSKI
CANADY
FALK
& RABKIN
A Professional Corporation

15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA
 17 OAKLAND DIVISION

18 NIDEC CORPORATION

Case No. C05 00686 SBA (EMC)

19 Plaintiff,

Action Filed: February 15, 2005

20 v.

E-Filing

21 VICTOR COMPANY OF JAPAN, LTD., JVC
 22 COMPONENTS (THAILAND) CO., LTD.,
 23 AGILIS INC., and AGILIS TECHNOLOGY
 24 INC.,

STIPULATION AND [PROPOSED]
ORDER CONCERNING EXPERT
DISCOVERY AND SCHEDULE

25 Defendants,

26 NIDEC AMERICA CORPORATION and
 27 NIDEC SINGAPORE PTE, LTD.,

28 Additional Defendants on
 the Counterclaims.

STIPULATION AND [PROPOSED] ORDER CONCERNING
 EXPERT DISCOVERY AND SCHEDULE

Further to the parties' meet-and-confer teleconferences, and pursuant to Civil L.R. 6-2 and 7-12 of the Local Rules of Practice in Civil Proceedings before the United States District Court for the Northern District of California, the parties declare that:

WHEREAS the stipulated discovery schedule below modifies the expert discovery and willfulness fact discovery cut-off, and certain expert and willfulness discovery deadlines in the Order Modifying Paragraphs A and B of the Order for Pretrial Preparation [D.I. 294] executed by Judge Armstrong on November 3, 2006 and the Stipulation and Order Re: Discovery Schedule executed by Judge Chen on March 6, 2007, but does not change the deadlines for dispositive motions, the pretrial conference or trial or otherwise modify the Order for Pretrial Preparation [D.I. 283] executed by Judge Armstrong on October 25, 2006;

WHEREAS the parties have agreed to modify the discovery deadlines for the limited items provided below.

The parties stipulate to an order providing the following:

1. JVC's expert report(s) regarding prosecution history of the asserted Nidec Patents and Nidec's expert report(s) regarding prosecution history of the asserted JVC '973 Patent are due on or before April 30, 2007.

2. Nidec's responsive expert report(s) regarding prosecution history of the asserted Nidec Patents and JVC's responsive expert report(s) regarding prosecution history of the asserted JVC '973 Patent are due on or before May 14, 2007.

3. Nidec will complete production of the benchmark-related documents agreed upon by the parties on or before May 18, 2007.

4. Nidec will produce Mr. Kenji Itoh for deposition on or before May 30, 2007, but after Nidec has satisfactorily completed production of the benchmark-related product specimens and documents.

5. JVC's expert report(s) on the alleged willfulness of the asserted JVC '973 Patent, and Nidec's expert report(s) on the alleged willfulness of the asserted Nidec Patents are due on or before June 5, 2007.

6. JVC's responsive expert report(s) on price erosion are due on or before June 11, 2007.

7. Nidec's responsive expert report(s) on alleged willfulness of the asserted JVC '973 Patent, and JVC's responsive expert report(s) on alleged willfulness of the asserted Nidec Patents are due on or before June 19, 2007.

8. Nidec's rebuttal report(s) on price erosion are due on or before June 28, 2007.

9. Expert discovery shall be completed by July 20, 2007.

IT IS SO AGREED AND STIPULATED.

Dated: April 26, 2007

MORGAN, LEWIS & BOCKIUS LLP
FRANKLIN BROCKWAY GOWDY
THOMAS D. KOHLER
DAVID C. BOHRER
MICHAEL J. LYONS
DION M. BREGMAN

Attorneys for Plaintiff and Counter-Defendant
NIDEC CORPORATION and Additional
Defendants NIDEC AMERICA
CORPORATION and NIDEC SINGAPORE

Dated: April 26, 2007

HOWARD RICE NEMEROVSKI CANADY
FALK & RABKIN
MARTIN R. GLICK, SBN 40187
BOBBIE J. WILSON SBN 148317

AMSTER, ROTHSTEIN & EBENSTEIN LLP
MORTON AMSTER (*pro hac vice*)
ANTHONY F. LO CICERO (*pro hac vice*)
KENNETH M. BERNSTEIN (*pro hac vice*)
CHARLES R. MACEDO (*pro hac vice*)

Attorneys for Defendants and Counter-Plaintiffs
VICTOR COMPANY OF JAPAN, LTD. and
JVC COMPONENTS (THAILAND) CO., LTD
and Defendants AGILIS INC., and AGILIS
TECHNOLOGY INC.

1 PURSUANT TO STIPULATION, IT IS SO ORDERED.
2
3 Dated: April 30, 2007
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EDWARD M. CHEN
United States Magistrate Judge



HOWARD
RICE
NEMEROVSKI
CANADY
FAIK
& RABKIN
A Professional Corporation

1 Pursuant to General Order No. 45, Section X(B) regarding signatures, I, Kenneth M.
2 Bernstein, attest that concurrence in the filing of this document has been obtained from each of the
3 other signatories. I declare under penalty of perjury under the laws of the United States of America
4 that the foregoing is true and correct. Executed this 26 day of April 2007, at New York, New York.

5 /s/
6 KENNETH M. BERNSTEIN
7
8
9
10
11
12
13
14
15

W03 161590001/1385012/v1
16
17
18
19
20
21
22
23
24
25
26
27
28

HOWARD
RICE
NEMEROVSKI
CANADY
FAIK
& RABKIN
A Professional Corporation